

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY C. HAITHCOX #207322,

Plaintiff,

Case No. 06-11756

v.

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

MARY GREINER, M.D., et al.,

Defendants.

/

**ORDER DISMISSING AS MOOT DEFENDANT'S MOTION
TO DISMISS COMPLAINT AND ACCEPTING AMENDED
COMPLAINT FOR FILING**

On April 12, 2006, Plaintiff, then a prison inmate in the custody of the Michigan Department of Corrections, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. §1983. Before the Court is Defendant's Motion to Dismiss [Docket #22], filed on July 19, 2006.

On October 18, 2006, this Court granted Plaintiff's motion to appoint counsel, and stayed proceedings pending the appointment of counsel. On January 22 and January 30, respectively, attorneys Abraham Singer and Brandy Murphy filed appearances as counsel for Plaintiff. On February 22, 2007, the parties filed a stipulation to file an amended complaint, and on the same date, Plaintiff, through counsel, filed an amended complaint.

First, the Court accepts the stipulation of counsel, and orders the amended complaint

[Docket #35] accepted for filing.

Secondly, since the amended complaint supersedes the original *pro se* complaint that was the subject of the motion to dismiss, that motion [Docket #22] is itself DISMISSED AS MOOT.

SO ORDERED.

S/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: February 23, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 23, 2007.

S/Gina Wilson

Judicial Assistant